

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
2:07CR23**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>MICHAEL EDWARD LAMBERT,</b>	)	
	)	
<b>Defendant,</b>	)	
	)	
<b>THE EASTERN BAND OF CHEROKEE</b>	)	
<b>INDIANS,</b>	)	
	)	
<b>Garnishee.</b>	)	
	)	

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**THIS MATTER** is before the court upon the government's Application for Writ of Continuing Garnishment. In applying for such writ on October 22, 2009, the government has represented to the court that

Demand for payment of the above-stated debt was made upon the debtor on September 22, 2009. Not less than 30 days has [sic] elapsed since demand on the debtor for payment of the debt was made, and debtor has failed to satisfy the debt.

Docket Entry #18, at 1. Inasmuch as September has only 30 days and the day of the "act, event, or default that begins the period" is excluded, Fed.R.Civ.P. 6(a)(1), thirty days had not run as of the day the application was filed and considered, October 22, 2009. The debtor has until midnight on October 22, 2009, to satisfy the government's

demand. The court must, therefore, respectfully deny the application for a writ.

## ORDER

**IT IS, THEREFORE, ORDERED** that the government's Application for Writ of Continuing Garnishment is **DENIED** without prejudice.

Signed: October 22, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

